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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,990	12/28/2001	Juergen Fahrenbach	852/50752	3784

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EXAMINER

NGUYEN, JIMMY T

ART UNIT PAPER NUMBER

3725

DATE MAILED: 12/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/028,990

Applicant(s)

FAHRENBACH, JUERGEN *cn*

Examiner

Jimmy T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3,7,11,12 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,7,11,12 and 15-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 08, 2003 has been entered, an action on the merits follows.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1, 3, 7, 11, 12, 15-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Regarding claim 1, line 2, it is not clear what "each" refers to. It is suggested that the claim should recite as follows: --- ...each slide driveable ... ---.

Regarding claim 1, lines 5-6, it is not clear what structural inter-relationship exists between the first knee link and the other elements of the press. It is suggested that the claim should recite as follows: ---- ... a first knee link element operatively connected between the press frame and the respective slide ... -----.

Regarding claim 1, lines 6-7, it is not clear what structural inter-relationship exists between the second knee link and the other elements of the press. It is suggested that the claim

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should recite as follows: ---- ... a second knee link element operatively connected between the press frame and the respective slide... -----.

Regarding claim 1, line 10, there is not antecedent basis for “the single driving device” in the claim. It is suggested the claim should recites as follows --- ... the single-eccentric driving device ... ---.

Regarding claim 7, line 2, there is not antecedent basis for “the single driving device” in the claim. It is suggested the claim should recites as follows --- ... the single-eccentric driving device ... ---.

Regarding claim 11, lines 4-5, it is not clear what structural inter-relationship exists between the first knee link and the other elements of the press. It is suggested that the claim should recite as follows: ---- ... a first knee link element operatively connected between the press frame and the respective slide... -----.

Regarding claim 11, lines 5-6, it is not clear what structural inter-relationship exists between the second knee link and the other elements of the press. It is suggested that the claim should recite as follows: ---- ... a second knee link element operatively connected between the press frame and the respective slide... -----.

Regarding claim 11, line 8, there is not antecedent basis for “the single-eccentric driving device” in the claim.

Regarding claim 11, line 10, it is not clear whether “a single driving device” as claimed is the same driving device as claimed in line 8. Note that there is only one driving device is disclosed in the invention.

Regarding claim 11, lines 12 and 15, the recitation “at least one of the at least one second knee link” (emphasis added) is vague and confusing. The claim calls for one second knee link; therefore, the term “at least one of the at least one second knee link” renders the claim vague and indefinite.

Regarding claim 12, lines 3-4, it is not clear which “the at least one second knee link element” applicant refers to; “the at least one second knee link element “of the first press or “the at least one second knee link element” of the second press?

Regarding claims 15-17, it is not clear which “connection elements” applicant refers to. Is it the “connection elements” that are connected the first and the second knee link element together (claim 11, lines 6-11), or the “connection elements” that are connected the second knee link of both presses (claim 11, lines 14-17)?

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Eigenmann (US 5,746,123).** Eigenmann discloses a press comprising: a press frame (fig. 1); at least two slides (32, 32a) driveable by a respective link system (figure 1) and a single-eccentric driving device (1, 4) operatively associated with each of the link systems (see fig. 1), wherein each link system includes at least a first knee link element (14a) operatively connected with the

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press frame (fig. 1), at least a second knee link element (19a, 22a, 29a) operatively connected with the respective slide (32a), and connection elements (7a, 8a) operatively connecting the at least first knee link element and the at least second knee link element, and being associated with the driving device in a manner which controls tilting movement of the connection elements (fig. 1), respective hinge points (13a, 18a) are situated between the connection elements and each of the at least first knee link element and the at least second knee link element (see fig. 1).

#### ***Allowable Subject Matter***

Claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 11-12 and 15-18 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1 and 3 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 2,087,811 to Patrick and US 3,785,282 to Kamelander.

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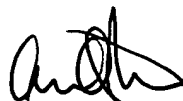
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T Nguyen whose telephone number is (703) 305-5304.

The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen Ostrager can be reached on (703) 308-3136. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

JTNguyen  
December 22, 2003



ALLEN OSTRAGER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700